

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GOLO, LLC,

Plaintiff,

v.

ZOCO PRODUCTIONS, LLC; HARPO
PRODUCTIONS, INC.; MEHMET OZ,
M.D.; and KERI GLASSMAN,

Defendants.

No.: 1:17-cv-08461-KBF (KBF) (ECF CASE)

Hon. Katherine B. Forrest, U.S.D.J.
Hon. Gabriel W. Gorenstein, U.S.M.J.

DECLARATION OF MEHMET OZ, M.D.

I, Mehmet Oz, M.D., hereby declare as follows:

1. My name is Mehmet Oz. I am over the age of twenty-one years, am of sound mind and am otherwise fully competent to testify. All of the facts contained in this Declaration are based upon my personal knowledge, unless stated otherwise, and are true and correct; and if called as a witness, I could and would testify as follows.

2. I am a cardiothoracic surgeon and practice medicine at New York-Presbyterian Hospital on the Columbia University campus. I am board certified in cardiovascular and general surgery. I graduated from Harvard University and the University of Pennsylvania Medical School. I teach a class once a year to first year students at the University of Pennsylvania Medical School, and I serve on several boards, including HealthCore (a charity dealing with teen health education), Ellis Island (a non-profit celebrating Americans who have immigrant roots) and Preclude (dealing with women's fertility issues).

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3. Since 2009, I have been the host of the nine time Emmy Award winning and nationally syndicated television program, *The Dr. Oz Show*. ZoCo Productions, LLC (“ZoCo”), has been the production company for *The Dr. Oz Show* since its inception. *The Dr. Oz Show* is in its ninth season and in February 2018 celebrated its 1500th show. *The Dr. Oz Show* calls on specialists from a variety of fields for expert advice on how to tackle the balance of mind, body, and spirit so that viewers can be their best selves. One such issue that *The Dr. Oz Show* has long addressed is the obesity epidemic in the United States.

4. I discussed a diet plan, GOLO, during a portion of a segment in Episode 8-087 of *The Dr. Oz Show*, which was filmed before a live studio audience on April 12, 2017, and initially aired on or about July 12, 2017. The purpose of the portion of the segment discussing GOLO (the “GOLO TV Review”), and the portion immediately preceding it, was to provide information to viewers about two Internet diets, the Military Diet and the GOLO diet.

5. During the GOLO TV Review, we asked Celest Oates, a member of the public who was not compensated by nor is otherwise affiliated with *The Dr. Oz Show*, to try the GOLO diet for several days (“a test drive” as I called it) and then describe her experience on the show. Ms. Oates accurately described her experience to the best of my knowledge.

6. I broadcasted the GOLO TV Review in good faith and did not intend at any time to harm GOLO or its diet. I believe that the GOLO TV Review was actually a positive story about the GOLO Diet because Celest lost the recommended one and a half pounds on the diet which Keri Glassman, the nutritionist who commented on the diets during the segment, said was right on track for healthy weight loss, and further, Ms. Glassman said that the diet was fairly healthy. In the portion of the segment about the GOLO Diet, *The Dr. Oz Show* did not propose a commercial transaction but rather attempted to provide helpful information to our audience.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on this the 10 day of April, 2018, in New York, New York.

A handwritten signature in black ink, consisting of a stylized 'M' and 'O' followed by a horizontal line.

Mehmet Oz, M.D.

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